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U.S. DISTRICT COURT
W.D.N.Y. BUFFALO

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

2006 MAR -9 PM 1:43

LARRY PORTER, 88-A-4542,

Plaintiff,

-v-

04-CV-0485F

ORDER

GLENN GOORD, et al.,

Defendants.

On June 21, 2005, the Court (Hon. John T. Elfvin), pursuant to 28 U.S.C. § 1915(d), directed the Clerk of the Court to cause the United States Marshals Service to serve the summons and amended complaint on all the defendants. (Docket No. 6). On August 4, 2005, summonses were issued for all the defendants and to date all but four of the named defendants--Richard Moriarty, Karen Dyal, Paul Weed and Richard Augustine--have been served and have answered the amended complaint. Plaintiff has now requested that the Court direct service on the four defendants who have not been served. (Docket No. 20).

Once a plaintiff is granted permission to proceed *in forma pauperis* the burden of effecting service on the defendants shifts from the incarcerated plaintiff to the Court. See Romeandette v. Weetabix Co., 807 F.2d 309, 311 (2d Cir. 1996) ("The interests of justice, informed by a liberal interpretation of Rule 4, are best served by allowing [incarcerated litigants] to rely on the personal service, albeit untimely, ultimately effected by the Marshal's

Service). Once an inmate-plaintiff has provided the Marshal with the information necessary to serve his complaint, "he is absolved of further responsibility for service." Rivera v. Pataki, No. 04 Civ. 1286 (MBM), 2005 U.S. Dist. LEXIS 2747, **55-56 (Feb. 14, 2005).

Accordingly, this Court finds that there is "good cause" to extend the time in which plaintiff may serve the summons and amended complaint upon defendants Richard Moriarty, Karen Dyal, Paul Weed and Richard Augustine an additional 120 days, see Rivera, 2005 U.S. Dist. LEXIS 2747, at ** 55-56, n. 28 (numerous Circuit Courts have found that "as long as the inmate provides the information necessary to identify the defendant, the Marshal's failure to effect service ... constitutes good cause to extend the time for service under" Fed.R.Civ.P. 4(m)) (citations omitted), and the Clerk of the Court is directed to re-issue the summonses and cause the United States Marshals Service to serve the summons and amended complaint on defendants Richard Moriarty, Karen Dyal, Paul Weed and Richard Augustine.

SO ORDERED.

S/ Michael A. Telesca

MICHAEL A. TELESKA
United States District Judge

Dated: March 7, 2006
Rochester, New York